

## CHAPTER 6 CONDITIONAL USES

### Section 600 Basis of Determination

The Township Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. However, the Board shall give consideration to existing businesses where owing to existing conditions, a literal enforcement of all standards would result in an unnecessary hardship for such business desiring to undertake improvements that would enhance the property and community in general, consistent with the intent of this Resolution. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this ordinance will be observed.

The Zoning Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- A. Will be in compliance with this Resolution, having been developed to be harmonious with and in accordance with the general objectives or with any specific objectives of the Randolph Township Land Use Plan of current adoption;
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, runoff, or odors;
- H. Will have vehicular approaches to the property which shall be so designed so as not to create an interference with traffic on surrounding public thoroughfares;

- I. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of significance to the community and ecosystem.

## **Section 601 Specific Standards for Conditional Uses**

### **A. Accessory Dwelling Unit- See Granny Flat**

### **B. Adult Entertainment Uses<sup>1</sup>**

1. To prevent the deterioration of the community and neighborhoods of the Township, and to provide for the planned development of the Township, certain additional special regulations are necessary in addition to all other sections of this resolution where applicable, to insure that these adverse effects will not contribute to the blighting or deterioration of the Township and its neighborhoods.
2. Extensive research has also shown that adult entertainment uses located in proximity to residential, institutional and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult entertainment uses, as defined in this section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as when adjacent to non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in Randolph Townships' Town Center and retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health safety and general welfare, adult uses as defined in this resolution shall be permitted only in the Industrial District subject to the following requirements:
  - a. For the purpose of this resolution, adult entertainment uses are defined in Chapter 2, Definitions and further defined in this section.
  - b. For the purpose of this resolution, adult entertainment uses shall include but not be limited to any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, massage parlor.
  - c. No nudity or state of nudity is permitted in Adult Cabarets.
  - d. The establishment of an adult entertainment use will not be contrary to any program of neighborhood conservation.
  - e. The proposed use will not enlarge or encourage the development of a blighting influence in the neighborhood or community in general.
  - f. Any display, device or sign that depicts or describes specified sexual activities or

---

<sup>1</sup> Extensive research has shown that unregulated adult entertainment uses are a serious problem in this country, contributing to neighborhood blight, crime, deteriorating property values, eroding the quality of neighborhoods, commercial districts, and urban life.

specified anatomical areas shall be out of view of the public way and surrounding property.

- g. In order to further determine whether the above or similar facilities are adult entertainment uses, the following definitions shall apply:
1. *Adult Material*: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, cd, record, or other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
    - a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
    - b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
  2. *Bottomless*: Less than full opaque covering of male or female genitals, pubic area or buttocks.
  3. *Nude or Nudity*: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  4. *Sexual Activity*: Sexual conduct or sexual contact or both.
  5. *Specified Anatomical Areas*: include less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola and human male genitals in a discernible turgid state, even if completely and opaquely covered.
  6. *Sexual Contact*: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
  7. *Sexual Excitement*: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
  8. *Specified Sexual Activities* include: Human genitals in the state of sexual stimulation or arousal; fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy; acts of human

masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities mentioned above.

9. *Topless*: The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
3. Adult Entertainment Uses shall be located in accordance with the following distance requirements:
    - a. A minimum of 500 feet from the boundaries of any lot containing a public park or playground, day care center, school, library or church, or other institution where children are kept day or night.
    - b. A minimum of 500 feet from any other adult entertainment uses.
    - c. A minimum of 500 feet from any residentially zoned parcel in Randolph Township or adjacent community or within 500 feet of any building used for residence purposes, whether in the Township or in the adjacent community .
    - d. A minimum of 500 feet from the Town Center District Boundary.
    - e. Distances shall be measured from the property lines of any lot or parcel which includes, or which is operated or used in connection with, a building in which an adult entertainment facility is located, proposed to be located or in which any activity described or referred to in this section is located or proposed to be located.

### **C. Agritourism Uses**

#### *1. Uses Regulated*

For the purpose of this resolution, regulated Agritourism activities includes such activities and uses as:

- a. Fee hunting and fishing
- b. Temporary camping in association with other permitted use events
- c. Rural educational center
- d. Petting/farm zoo
- e. Gift/craft shop
- f. Farm museum
- g. Fee cross country skiing or skating or other fee recreational uses
- h. Community gardens
- i. Other agritourism uses not listed that will result in an ongoing increase in traffic in the rural agricultural and residential areas or cause potential public health problems shall require review and approval by the Board of Zoning Appeals.

#### *2. Standards*

- a. The use/activity shall be farm centered.
- b. The development of any agritourism use shall not create a negative visual impact on the primary use of the property as a farm, and shall not have the effect of diminishing

- the farms' nor any adjacent farms' economic viability as an agricultural enterprise.
- c. The agritourism use and activity areas shall comprise no more than ten (10%) of the total farm acreage and such use cannot displace other primary agricultural uses.
  - d. The agritourism activity/use cannot have the effect of eliminating the agricultural land from the Current Agricultural Use Value Program.
  - e. Camping as an ancillary use shall not become a year around campground.
  - f. All ancillary agritourism uses shall comply with all applicable local and state codes.

#### **D. Animal Hospitals, Veterinary Offices and Clinics**

1. The proposed use shall be located in a building having adequate sound proofing and odor control.
2. Screening shall be provided on each side of the parking area that abuts or faces a residential lot.
3. There shall be no facilities for the boarding of animals except to allow overnight, interior lodging only for those animals receiving medical attention.
4. Such facilities shall be located at least 100 feet from all property lines.
5. Premises shall be kept in a neat and sanitary manner by the daily removal of dead animals and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.
6. The applicant shall demonstrate a working plan to prevent or alleviate any noise and odor problems emanating from the animals that may be staying overnight.
7. Such facilities must meet all applicable licensing requirements of the state and county.

#### **E. Automotive Uses**

1. *Auto Fuel Stations (Gasoline Stations), Auto Service and Repair Garages and Motor Vehicle Sales*
  - a. All activities, except for fuel and air pumps, shall take place inside the building unless otherwise permitted by the BZA.
  - b. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site and shall not impede pedestrian circulation.
  - c. No curb cuts shall be permitted within twenty (20) feet of any public street intersection.
  - d. All areas for vehicular access and parking shall be paved. A safety curb that is at least six (6) inches high shall be installed along the perimeter of paved areas.
  - e. No junk, inoperative or unlicensed vehicles or tires shall be permitted to remain outdoors on property except in a completely screened storage area.
  - f. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
  - g. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Chapter 8.
  - h. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.
  - i. Lighting shall comply with lighting standards of Section 711 and shall be shielded to

preclude light trespass. Recessed ceiling fixtures are preferred for canopies such as over fuel pumps.

- j. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on the site and within the neighborhood and other relevant factors such as neighborhood impacts.
- k. Any ancillary uses to the principal use must be reviewed and approved by the BZA prior to any construction or reconstruction related to such use. (Example of fast food service in gas station)

## 2. *Car Washes*

- a. Such uses shall be located at the edge of the General Commercial District whenever possible so as to avoid conflicts with pedestrians and so as to not limit the expansion of pedestrian oriented facilities.
- b. Such facilities are not to be used for storage of vehicles.
- c. Where applicable, all car washes shall also comply with regulations for auto fuel stations.
- d. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no stacking in the road right of way.
- e. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least 2 sides.
- f. The entrance and exit for this property shall not face any abutting property zoned for residential use.
- g. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
- h. Adequate provision shall be made for the control of steam and other by-products of this use not normally present in the surrounding environment.
- i. For car wash systems employing high pressure spray:
  - 1. They shall be arranged so as to contain all spray within the car wash structure;
  - 2. Exit aprons shall be equipped with grate drains and pitched for a minimum of 20 feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the BZA which would prevent water washing into the streets and creating hazards.
- j. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the BZA and the County Sanitary Engineer (where sewer available), EPA, and shall conform with all sanitary and health codes and shall be designed so as not to detrimentally effect the Sewer System.
- k. When adjacent to a residential use, a 6-foot high fence of material approved by the Board of Zoning Appeals shall be provided along the interior side and rear property line to protect the dwelling from light and noise and eliminate blowing debris.
- l. All of the area to be utilized by the washing and drying operation, including all all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
- m. All required yard areas abutting streets and not used for vehicle maneuvering or

parking shall be landscaped in compliance with landscaping requirements of Section 710.

- n. Stacking space shall be required to accommodate not less than 8 automobiles waiting to be washed or 4 waiting spaces per washing stall, whichever is greater. A space of 20 ft by 9 ft. shall be deemed adequate for such required space per vehicle.
- o. In addition, parking requirements for employees shall be provided as required by Chapter 8.

#### **F. Bed and Breakfast Establishments**

- 1. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4).
- 2. There shall be no advertising, displays or other indications of a Bed and Breakfast in the yard, on the exterior of the building, or visible from the exterior of the building, with the exception of the placement of one (1) sign that complies with Chapter 900.
- 3. Parking requirements shall comply with Chapter 800.
- 4. Gift shops and food services applicable to such use may only be provided for the sole enjoyment of the Bed and Breakfast patrons and their guests.
- 5. Social functions such as luncheons, receptions, may be permitted for patrons of the Bed and Breakfast and their guests provided sufficient off street parking is available.

#### **G. Campground**

- 1. *Minimum Lot Size:* 10 acres
- 2. *Maximum Campground Size:* 350 campsites
- 3. *Minimum Lot Frontage:* 150 feet
- 4. *Side and Rear Yard Setback:* Campsites and campground facilities shall be located at least 50 feet from any lot line.
- 5. *Front Yard Setback:* Campsites shall be located at least 100 feet from a public right-of-way.
- 6. *Density of Campsites:* Density in the campground shall not exceed 15 campsites per acre of the developed portion of the campground, inclusive of service roads, restrooms and service buildings.

#### *Other Standards*

- 7. Noise levels shall comply with performance standards of Section 711. Loudspeakers, and public address systems shall cease operations between 9:00 p.m. and 8:00 a.m. except for emergencies.
- 8. Each campsite, excluding the parking space, shall be provided a minimum of 900 square feet and shall provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a central area.
- 9. The campground shall be sufficiently wooded to provide adequate shade, screening and buffering from the public view. Campsites shall be screened from the public road right of way and from adjoining properties.

10. Campground design must be consistent with the purpose and objectives of the district in which it is located.
11. Within campsites, the areas to be used for parking as well as the placement of tents and camping vehicles, shall not be located on land having more than 3% slope.
12. The walking distance to service facilities providing restrooms shall not be more than 350 feet from any campsite. Bathing facilities shall be centrally located within the campground.
13. Specific ancillary uses not permitted include: shooting ranges, outdoor movie theatres, miniature golf, batting cages, video/electronic arcades, amusement parks, golf driving ranges, use of off road motorized vehicles (such as ATV's), and other uses which may be incompatible with surrounding residential uses and character due to noise, lighting, safety or other similar negative impacts.
14. Ancillary uses permitted include those incidental to the principal use such as: a camp store for sale of convenience foods, goods and camping supplies for campers, indoor laundry, community building with recreational amenities such as ping pong, pool tables, television viewing and reading areas, swimming facilities, fishing, boat rental, horse stables and riding areas, non intensive recreational uses.
15. Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
16. Utility transmission lines shall be placed underground.
17. Duration of stay: No camper, tent, RV, etc., shall be occupied for a period greater than 180 consecutive days per calendar year during the camping season of May 1<sup>st</sup>-November 30<sup>th</sup>. The campground shall be closed for camping purposes December 1-April 30<sup>th</sup>.
18. Registration of Occupants: The owner or operator shall maintain a register containing a record of all occupants of campsites. Such register shall be available to the Zoning Inspector or any other authorized agent inspecting the campground. The daily register shall be preserved for a period of 12 months. The register shall contain:
  - a. The names and permanent addresses of all campsite occupants;
  - b. The make, model and license number of the motorized vehicles;
  - c. The dates of arrival and departure of the vehicle/camping unit and its occupants.
19. Management must be available on the site 24 hours/day on all days the campground is open for business.
20. Two detached single family units or one two family dwelling unit for the manager/owner and assistant manager or other employee of the campground may be permitted. One unit may include the registration office.
21. Trash receptacles shall be provided throughout the campground and must be designed to be resistant to tipping by wind and animals and shall have lids that fit tightly on the receptacle.
22. Drinking Water and Sewage Treatment must meet State and County Health/Sanitary Codes.
23. Campgrounds shall have clearly stated policies on the use of open fires and use of alcoholic beverages.



## **H. Carpentry and Cabinet Making Shops, Plumbing, Heating and Air Conditioning Shops**

1. All contract activity and storage of equipment and materials shall be within a fully enclosed building.
2. Vehicles shall be stored in a building or parked in the rear or side yard and fully screened from view when adjacent to or part of any district permitting residential uses.
3. Maximum floor area shall be 3,000 square feet.

## **I. Cemeteries**

1. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
2. No structure incidental to cemetery operations or any gravesite shall be located within thirty (30) feet of any property line.
3. No burial plots or facilities are permitted within any flood hazard area.
4. Adequate off street waiting space shall be provided for funeral processions so that vehicles do not stack up in the street right-of-way.

## **J. Churches and Places of Worship**

1. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
2. Side and rear landscaped yards of no less than thirty (30) feet shall be provided.
3. Where abutting residential districts:
  - a. These uses shall be buffered with landscaping in compliance with Section 710 Landscaping and Screening, as applicable.
  - b. Lighting shall not produce a glare or shine directly onto residential properties and shall comply with lighting standards of Section 711.
  - c. Loudspeaker use after 9:00 p.m. shall be prohibited. Noise levels shall comply with performance standards of Section 711.
  - d. Such use shall be compatible with surrounding residential uses.

## **K. Commercial Truck Parking**

1. Vehicles shall be fully screened from view when adjacent to or part of any district permitting residential uses. A combination of fencing and natural plantings to minimize visual impacts is preferred.
2. Truck engine idling shall not have the impact of generating noise, fumes and pollution detrimental to the neighborhood or community, or in violation of Section 711.02, Performance Standards.
3. Truck parking areas shall not be used as overnight sleeping areas.

#### **L. Congregate/Assisted Living Facilities**

1. A congregate care facility may include one or more of the following types of residential facilities: independent living with congregate dining facilities, congregate living, assisted living, Nursing home.
2. The site and structure shall meet the applicable state code requirements, including licensing requirements.
3. The site plan shall indicate parking and the emergency entrances and exits and other safety elements.

#### **M. Conversion of Single Family to Two *or* Three Family Uses**

An existing single-family residence may be converted to a two or three-family dwelling unit in the Residential Use Districts as specified in this Resolution provided:

1. The floor area per dwelling unit shall not be less than eight hundred square feet (800).
2. The minimum lot area per dwelling unit shall be at least 5,000 square feet where central sanitary sewer facilities are available. In areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the dwelling units. The minimum lot area per dwelling unit shall be one (1) acre in R-1, unless otherwise determined by the Portage County Health Department. In other districts, density is not to exceed maximum density of the district.
3. Off street parking requirements are met as per Chapter 8, without the addition of any parking spaces within a required yard.
4. The conversion is in compliance with all other relevant codes and requirements.
5. The additional dwelling units shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. Additional dwelling units may either share a common entrance with the other dwelling unit or use a separate entrance. However, a separate entrance shall only be located on the rear or side of the building.

#### **N. Day Care Centers (Children and Adults)**

1. The site and structure shall meet the applicable state code requirements, including licensing requirements.
2. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.
3. Outside areas for activities shall be fenced for the protection of the adults and children. Fencing height and design shall be approved by the Board of Zoning Appeals.
4. Child Day Care Centers shall not be located in dwelling units.

## **O. Extractive Industries**

### **1. Exemptions:**

The following activities, to the extent specified herein, are exempt from the requirements of this section:

- a. Excavation in conjunction with utility installation, which is to be back-filled.
- b. Excavation in conjunction with road construction within the limits of the right-of-way when construction plans have been approved by either, local, county, state, or federal authority.
- c. Excavation that by nature is of limited duration: e.g., graves, septic tanks, swimming pools, etc.
- d. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
- e. Excavation for structures, parking areas and rights-of-ways, when lines and grade plans have been approved by the Zoning Inspector.
- f. Landscaping of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
- g. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers, E.P.A. and/or other governmental authorities.
- h. Excavation in conjunction with the drainage maintenance or improvements approved by either, local, county, state, or federal authorities.

### **2. Uses and Structures:**

- a. The following uses and structures are *permitted* in conjunction with a mineral or aggregate (such as sand, gravel, and rock) operation, in accordance with these requirements:
  1. Crushing, washing, and screening of mineral or aggregate material.
  2. Stockpiling of mineral and aggregate materials and earth products.
  3. An office, shop and/or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment.
  4. Sale of products produced from a mineral and aggregate extraction and processing operation.
  5. One detached temporary dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman, to be removed upon close of operation.
  6. Storage of running and operational equipment or machinery necessary for mineral or aggregates extraction or processing.
  7. Storage of salvage vehicles and equipment for use to repair equipment for mineral and aggregate extraction and processing.
  8. Storage of equipment or machinery and maintenance facilities related to mineral and aggregate resource extraction processing or transportation equipment.
  9. Structures designed and constructed exclusively for solid mineral extraction,

storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and/or removed at the expiration of the Mining Permit.

10. Mining through water.
11. Dewatering on a case by case basis.

b. The following activities, uses and structures are *not permitted*:

1. Asphalt/concrete mixing or batch plants.
2. Sale or removal of topsoil (Excess topsoil may only be sold or removed upon compliance with the requirements of this section.)
3. No material shall be imported from other sites for processing unless approved by the Board of Zoning Appeals.

c. Signs shall be in compliance with Chapter 9.

### **3. Procedures for Making Application:**

- a. Applications shall be submitted in compliance with Chapter 4, Section 401.
- b. The applicant shall submit copies of application materials submitted to State Department of Natural Resources for a Mining Permit for the subject area with the application for a Conditional Zoning Certificate.
- c. The cost of securing expert advice or studies shall be borne by the applicant (Sec. 404.06).

### **4. Conformance to the Issued Conditional Use Permit:**

- a. An approved solid mineral and aggregate extraction Conditional Zoning Certificate may be revoked for violations as specified by Ohio Revised Code, Section 519.14 (D).
- b. The Randolph Township Zoning Inspector shall be responsible for monitoring compliance with the Conditional Zoning Certificate requirements and the reclamation process.
- c. All facilities and structures shall meet all Local, County and State of Ohio health, building, electrical, and other applicable codes.
- d. The use shall be considered abandoned if the Chief of the Division of Mineral Resource Management issues an order declaring the mining area abandoned per Ohio Surface Mine Rules 1501:14-4-04.

### **5. Development, Mitigation, Reclamation and Post Mining Use Plans:**

Each application shall include: detailed development and operation plans on how the applicant intends to develop the site; how the applicant intends to manage the operation; and how the applicant intends to reclaim and reuse the site. The following items must be included for review as part of the application:

a. *Development Plan:*

The Development Plan includes a site plan that shows the location of physical site features and extractive and process features.

1. Drawings to a legible scale showing the following physical features of the site:
  - a. Existing elevations at 10 foot contour intervals;
  - b. Location of wetlands and flood plains;
  - c. Boundaries of all soil types;
  - d. Location of all existing significant natural, geographical and/or unique features including:
    - 1) Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways
    - 2) Mature woodlands
    - 3) Wildlife habitat areas
    - 4) Significant natural amenities such as tree stands, ponds, ravines and stream channels.
    - 5) Historical, archaeological or cultural features.
    - 6) Aquifer recharge areas.
  - e. Grading and erosion control, surface drainage plan;
  - f. Existing utilities;
  - g. Function and height of existing structures.
2. Drawings to a legible scale showing the following existing and proposed extraction and processing features of the site:
  - a. All areas to be mined.
  - b. All buildings for mining activity and related non-mining uses and activities, including the function and height of these buildings.
  - c. Power lines, underground utilities and easements, water supply lines, storm drainage lines and easements, sanitary sewer lines, and the treatment plant and distribution field if treatment occurs on site.
  - d. Roads, parking and loading areas, and entrances and exits to the site, indicating which portion of these are to be surfaced to retard dust and the type of surfacing.
  - e. Railroad tracks and sidings.
  - f. Water bodies and channels to be removed, shifted and created.
  - g. Signs and entrance markers, including elevation drawings of identification signs.
  - h. Exterior lighting standards and poles.
  - i. Fences, berms and landscaping to be provided for screening along the perimeter of the property.
  - j. Proposed routes to be used by gravel hauling trucks on public roads.
  - k. Probable location and expected maximum height of stockpiles of mined ores, sand, and gravel.
    1. Location of loading areas, tipples, and waiting areas for trucks and railroad cars in relation to the ore stockpiles.
  - m. Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores.
  - n. Location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the

reclamation plan.

b. *Mitigation Plan:*

The Mitigation Plan includes a site map, narrative and cross-section profiles that explain, illustrate and show mining procedures, practices, policies and methods.

1. The site plan will show the intended phases of the mining operations to be carried out over all portions of the tract. Near-term phases will be mapped precisely and long-term phases will be mapped conceptually. The site plan will show generalized expected contours or elevations estimated for the floor of the pit when mining is completed for each phase of operation before reclamation is started. The applicant will also provide cross-section profiles, which show the anticipated depth of extraction and ground slopes when mining is completed but before reclamation is started.

The site map and profiles will show:

- a. The drainage from mined areas and stockpiles of materials.
  - b. How erosion, sedimentation and non-point source pollution, contamination of the water table and nearby water bodies, streams and rivers will be avoided.
  - c. How turbidity of water bodies and nearby wetlands will be avoided.
  - d. How the mine operator will prevent changes in local water table levels.
  - e. How increases in the rate of storm runoff will be accommodated on the site.
2. The narrative description shall explain:
    - a. What actions the operator will employ to reduce noise, dust, litter and vibration.
    - b. Where and what type of safety fencing will be utilized if required.
    - c. Anticipated hours of operation
    - d. Which portions of the site are to be reclaimed immediately after mining is completed within a period of one (1) year.
    - e. How the phased reclamation will conform to the approved site reclamation plan.
    - f. The estimated duration of the operation.
    - g. How the stockpiles of ores on mined-out phases will be exhausted within 1-3 years after mining them.

c. *Reclamation and Post Mining Use(s) Plan:*

The reclamation plan will show the interim restoration of the site prior to proposed permanent use of the site. The interim restoration plan shall be accompanied by a narrative that describes the range of possible land reuses of the site. Ground contours, slopes, vegetation and other features on the site are to be designed to accommodate the proposed uses. A grading plan and landscape plan shall also be provided, which includes:

1. Detail for near-term first phases of site reclamation and conceptual detail for long-

term phases.

2. A grading plan shall show 10 foot contours, as finished contours for near-term reclamation and probable contours for much later phases of reclamation.
3. The final location and depth of mean high and low water pool or shorelines of lakes and streams.
4. Location of storm drainage channels, swales, conduits, and the location of easements to be utilized for storm drainage and public utilities.
5. Locations of right-of-ways.
6. Requirements:
  - a. Reclamation is required within one (1) year from expiration date of a Conditional Zoning Certificate, cessation of the extractive operation, or the abandonment of the operation.
  - b. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Mineral Resource Management, Ohio Department of Natural Resources.
  - c. Applications for revisions submitted to the Division of Mineral Resource Management subsequent to the issuance of a Conditional Zoning Certificate shall be presented to the Zoning Inspector.
  - d. The reclamation plan shall ensure that the area will support vegetation capable of self-regeneration and plant succession.
  - e. Reclamation shall be progressive to prevent erosion and minimize non-point source pollution.
  - f. All machinery and related equipment is to be removed from the site.
  - g. The operator shall grade, contour, or terrace the final slopes to a slope angle sufficient to achieve soil stability and control landslides, erosion, and sedimentation. Slopes with a slope angle of 14 degrees or less shall be presumed sufficient.
  - h. Re-soiling shall occur in such a way that a diverse growth of vegetative cover can be raised and maintained. Topsoil and subsoil will be removed and segregated in sufficient quantities during development so as to recreate the pre-mining soil depths and distributions during reclamation to maximum extent feasible.
  - i. Soil enhancement such as lime, fertilizer and mulch shall be used to promote seed germination and growth where necessary.
  - j. Permanent planting shall be completed upon completion of any required grading or re-soiling except when these operations are completed in a season unsuitable for planting. In such a case, permanent planting shall be completed at the earliest possible time. Measures shall be taken to stabilize the soil to prevent erosion. Soil and Water Conservation District shall be consulted for acceptable measures.

## **6. Development Standards:**

- a. *Area, Yard, and Height Requirements:*

1. Project Area

- a. All land shall be contiguous in that it shall not be divided into segments by (1) any limited access highway, nor (2) any tract of land (other than streets or right-of-ways for pipelines or electric transmission lines).
- b. All boundaries will be clearly and permanently flagged at intervals no greater than 250 feet.
- c. The Board of Zoning Appeals will make a determination as to whether processing must be performed on site. At a minimum, the following guidelines must be considered:
  1. Processing performed on-site if the parcel size is greater than 20 acres and the mining duration is greater than 4 years.
  2. The impact of processing and/or trucking on existing residences and roads.
  3. The overall impact on the township of truck traffic to haul material to off-site processing versus on-site processing. Recognizing that processing off-site requires the same material to be hauled twice, once as raw material, the other as finished goods.
- d. The Board of Zoning Appeals will make a determination as to whether processing and stockpiling materials not extracted from the site will be permitted.

2. Setbacks:

- a. The mineral and aggregate extraction operation shall have at least two hundred (200) feet of frontage on a road.
- b. The extraction area shall meet the following minimum distances from:
  1. Each side and rear lot line when lot edge is adjacent to:
    - a. Residential district: 250 feet, Condition 1
    - b. Business district: 75 feet, Condition 2
    - c. Industrial district: 50 feet, Condition 2
    - d. An Existing Mining Operation: 0 feet.

*Condition 1:* The required berming and/or screening can be placed within the setback/required yard area providing the berm/screening starts at the setback line.

*Condition 2:* The required berming and/or screening is to be placed no closer than 30 feet to the property line.

2. From road right-of-way when lot edge is adjacent to:
  - a. Residential district: 250 feet, Condition 1
  - b. Business district: 200 feet, Condition 2
  - c. Industrial district: 50 feet, Condition 1  
100 feet, Condition 2
  - d. Or if contiguous to an existing mining operation:  
50 feet, Condition 1



100 feet, Condition 2

*Condition 1* - The required berming and/or screening can be placed within the setback/required yard area providing the berm/screening starts at the setback line.

*Condition 2* - The required berming and/or screening is placed no closer than 30 feet to the road right-of-way.

- c. Processing areas of mineral and aggregate materials shall be located so as to minimize noise emission and visual impact consistent with performance standards of Section 711.
- d. Office, shop, parking and/or other accessory structures shall be located behind the berm/screening.
- e. Storage areas for operational or non-operational equipment for the production and/or processing of mineral and aggregate materials shall be located behind the berm/screening.
- f. A detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman shall be at least fifty (50) feet from any property line.

3. Height:

The maximum height of any structure, or security lighting, except mineral and aggregate processing and extraction structures shall be fifty (50) feet or less. This restriction will not apply to transmission or communication equipment.

b. *Dewatering:*

- 1. Dewatering may be permitted on a case by case basis as determined by the Board of Zoning Appeals. At a minimum, the following must be taken into consideration in making that determination:
  - a. The effect of an additional dewatering site when pre-existing permitted dewatering sites are located in the general vicinity.
  - b. See Section 7, Groundwater Contamination Prevention Measures and Hydrologic Determination Report.
  - c. The number, location and monitoring of observation wells.
- 2. If dewatering is permitted, observation wells will be used to indicate the extent of decline of water levels and to prove the need for remedial action. These observation wells shall not be pumped or used for any purpose other than monitoring.

c. *Truck Hauling and Access:*

- 1. Not more than one entrance/exit shall be developed/utilized, preferably, it shall be located along a secondary road, which shall be located so as to avoid routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. However, a temporary entrance/exit will be allowed if

the primary entrance/exit is unusable due to conditions beyond the control of the mining operation. The use of the temporary entrance/exit shall be immediately discontinued once the primary entrance/exit is usable.

2. A paved road from the entrance and or exit to and from the area of operation shall be provided in order to minimize the spillage of dirt and gravel from all vehicles. This road construction shall be completed prior to the initial mining phase. Haul roads and cart-ways shall be graded and maintained to meet Ohio EPA standards for airborne particulate control.
3. Truck routes shall be established for movement in and out of the site in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community. No material from the site shall be tracked on to the public road and any spillage shall be removed immediately by the site operator.
4. Trucks shall be covered or loaded to minimize spillage and potential hazards to other motorists.

## **7. Performance Standards:**

### *a. Groundwater Contamination Prevention Measures*

The operation shall be planned and conducted to:

1. Minimize, if not eliminate, disturbance to the prevailing hydrologic balance in adjacent areas.
2. Prevent material damage to the hydrologic balance outside the permit area.
3. Assure protection or replacement of water rights.

The applicant will provide a description of the controls that will be utilized to assure compliance with water quality, erosion control, sedimentation control, storm water management, and other applicable hydrologic controls.

The use of monitoring wells will be used as one means to assure water quality levels and documented on a quarterly basis by an independent contractor who will be retained by the township and paid for by the operator. The operator will reimburse the Township for expenses it incurs or encumbers for the contractor.

Mineral and aggregate extraction operations, materials storage and use, site access, fueling procedures, drainage, restoration activities and restoration uses shall be controlled so as to minimize to every extent possible the contamination of groundwater. Excavation below existing groundwater shall only be permitted in locations where the post mining use plan indicates a lake.

In addition, extraction operations are to seal all shafts, bore holes, wells, and other openings that are intercepted during mining in such a manner that migration of waters is minimized.

*b. Hydrologic Determination Report Requirements*

The applicant will provide a report attesting to the probable hydrologic consequences the proposed extraction operation will have on the subject site and the adjacent areas. If dewatering is allowed, this report must be a hydrological determination report conducted by a certified hydrologist. If dewatering is not allowed, the report does not need to be prepared by a certified hydrologist. In either case this report will include, but is not limited to provision of the following information:

1. The consequences of the proposed operation on the contents of dissolved and total suspended solids, total iron, total manganese, and pH.
2. Whether adverse impacts may occur to the hydrologic balance.
3. The impact the proposed operation will have on:
  - a. Sediment yield from disturbed areas.
  - b. Flooding or stream flow alteration.
  - c. Ground water and surface water availability.
4. The extent to which the proposed operations may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed extraction area or adjacent areas which is used for domestic, agricultural, industrial or other legitimate uses.

If contamination, diminution, or interruption may result, provide a description of alternative sources of water which could be developed to replace existing sources. This would include information on water availability and suitability of alternative water sources for existing pre-extraction uses and approved post-extraction land use.

*c. Screening, Fencing, and Berm Requirements:*

All of the requirements must be in place before the commencement of the solid mineral and aggregate extraction operations, provided that berms may be built from the site.

1. Screening:

No grading, removal or disturbance of plant material shall be permitted within the setback area required except the area affected by the required berm and screening from any lot line or road right of way. Adequate year around screening with indigenous plantings and perennial species with the ability of self-generation shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, residential area, and any other existing noise-sensitive use located within 1000 feet of the site perimeter. The appropriate type of screening and buffering shall be determined by the Board of Zoning Appeals.

2. Fencing:

Fencing shall be required to eliminate any safety hazards of the site for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of 6 feet high. The location of fencing to eliminate a safety hazard shall be determined by the applicant and/or property owner.

3. Berms:

Berms shall be constructed of overburden or topsoil but must be finished with topsoil excavated from the subject site and planted with ground cover to prevent erosion as soon as weather permits. Vegetative growth must be maintained at all times. The intent is to use the berms as a primary topsoil storage area.

4. Visual Effects:

The line of sight from developed residential districts to quarries, pits, extraction and processing areas, structures and stockpiles, loading areas, access roads and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding occupied properties not owned or leased by the owner or operator. The plan to be submitted with the application shall include line of sight and cross section studies demonstrating the manner in which the line of sight from surrounding properties, not owned or leased by the owner/operator is to be interrupted. The type of visual screening and sequence in which it is to be done may be customized to suit each mining operation, as determined by the Board of Zoning Appeals.

d. *Airborne Particulate and Operational Nuisance*

1. Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, black smoke, noise, odors, or dust.
2. All equipment shall be properly muffled to reduce excessive noise and vibration as measured by the performance standards of Section 711.
3. Crushers and similar noise generating equipment shall be located below ground level, bermed, muffled by stockpiles or physically soundproofed to reduce noise levels.

Crushers and similar noise generating equipment shall be located and situated to minimize noise intrusion onto other properties that are not used for mineral extraction. The following are ways to reduce noise levels from crushers and similar noise generating equipment.

- a. Effective berm placement.
- b. Stockpile/overburden placement.
- c. Below ground level equipment placement.
- d. Construction of wooden noise muffling barriers.

e. *Blasting*

Adjoining property owners shall be notified at least 24 hours prior to any blasting.

**P. Fair District Uses/Activities**

1. *Application Process*

All uses listed as conditionally permitted shall follow the following requirements and processes in securing a certificate for the temporary use:

- a. An application form shall be obtained from the Zoning Inspector. The Zoning Inspector shall insure that all required items are completed and submitted before turning it over to the Secretary of the Board of Zoning Appeals for scheduling of a public hearing. A fee shall be required as per the Township Schedule of Fees.
- b. If the temporary use meets the criteria for site plan review as specified in Section 570.02 B., the applicant shall submit a site plan meeting the requirements as indicated in part 2 of this subsection. When the site plan meets the requirements and the Board of Zoning Appeals finds the general and specific regulations have been met, they shall authorize issuance of a Conditional Zoning Certificate. The term of the certificate shall be for 3 years unless a violation of the regulations occurs or the conditions under which the certificate was approved changes. The minimum time limit of the Certificate shall be 30 days. The Board of Zoning Appeals shall also specify the maximum days of operation for each time period authorized.
- c. The lack of compliance by any lessee of the land or structures shall not relieve the property owner from compliance with these regulations.
- d. In making a determination as to granting of a Conditional Zoning Certificate, the Board of Zoning Appeals shall review and consider all records pertaining to the applicant and the use proposed, including prior complaints for violations filed with the Zoning Inspector, and citations by the Zoning Inspector for violations of the Zoning Resolution.

2. *Site Plan Requirements*

- a. All site plans must be drawn to scale.
- b. The site plan shall show how traffic will be controlled adjacent to and on the site. Locations of traffic directional devices, persons, and barriers must be shown. Number of parking attendants must be indicated.
- c. Estimated attendance must be presented on the application and off-street parking areas to be utilized clearly indicated on the site plan. Delineation of rows and aisles must be indicated on the plan.
- d. Off-street drop off, loading and unloading area, and handicapped parking must be indicated.
- e. Structures, tents, fences, display areas, concessionaires and screens shall be shown on the site plan and their functions/uses described.

- f. Outdoor lighting, wiring to be utilized shall be indicated, if other than what is permanently installed on the site. Intensity and direction of lighting must be shown on the site plan.
- g. Location of dumpsters and waste containers to be utilized shall be shown on the site plan.
- h. Any sound amplification devices to be utilized shall be shown, and noise control described, if applicable.
- i. The number of security officers to control order and safety shall be indicated.
- j. Methods of dust control shall be described, where applicable.
- k. Any areas to be used as temporary storage outdoors during the event and materials to be stored shall be shown.

3. *Additional Specific Conditions*

- a. Traffic flows through residential neighborhoods shall be minimized.
- b. All vendors/displays shall be arranged on the site so as to facilitate safe vehicular and pedestrian circulation.
- c. Capacity of the site shall be taken into account prior to booking, scheduling of booths, vendors, display areas, etc., and such proof provided with the application.
- d. There shall be one parking space for every four patrons expected at the peak attendance.
- e. There shall be no outdoor storage of any goods or materials except for events that are running on consecutive days.

**Q. Farm Related Business (Conducted outside of the home)**

- 1. No more than 2 acres of land shall be utilized for such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. A drive serving the farm related business and the farm or home on the same lot shall be excluded from the calculation of the 2 acres. No additional lane or curb cut to access the farm related business shall be allowed.
- 2. No more than 50% of the area devoted to the farm related business shall be covered by buildings, parking or other impervious surfaces.
- 3. The owner or occupant of the farm must be engaged in the farm related business.
- 4. The use must be conducted within a completely enclosed building typical of farm buildings.
- 5. Any building used for the farm related business must be located behind the principal farm dwelling on the site or shall be located at least 200 feet from the closest street right of way.
- 6. Outdoor storage of supplies, materials, or products shall be located behind the building in which the farm related business is located.

**R. Flag Lots**

- 1. Flag lots may be approved by the Board of Zoning Appeals due to:

- a. Unusual topographic or other physical conditions of the land or unusual size or shape of the parcel(s).
- b. To better protect and minimize impact on environmentally sensitive areas or land in agricultural use.
- c. As infill development in the designated Growth Center of the Township;
- d. Where it is more compatible with the surrounding pre-existing pattern of development of lots in the area.
- e. Where, in proposed platted subdivisions, judiciously placed flag lots would result in a superior lot and block layout.
- f. Where there are deep through lots abutting limited access highways.
- g. Where the extension of a public road is not identified on an official map or plan of the State, County or Township, or where the creation of a public road is not practical due to the relative isolation of a few parcels or to protect the character of the neighboring area.

2. Standards:

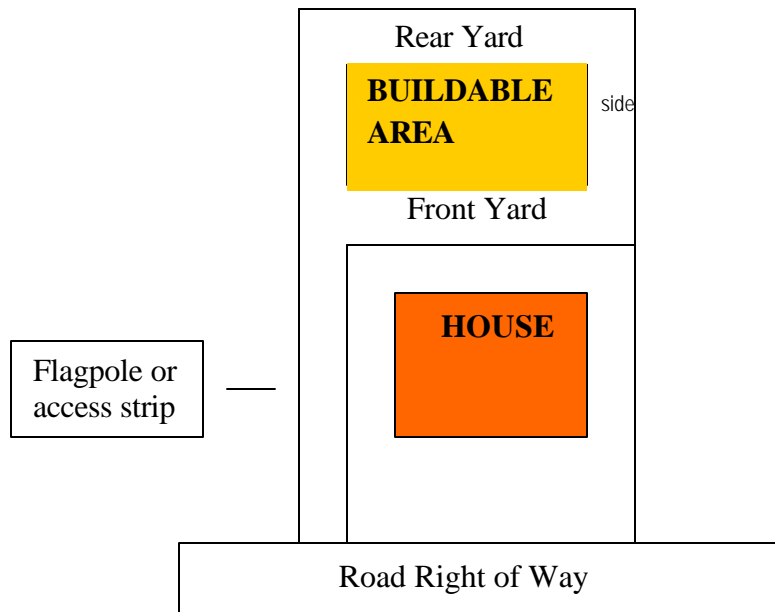
a. *Rural Districts Standards*

1. The strip of land providing access to the buildable portion of the lot must be at least 60 feet in width, the full length of the parcel. The Board of Zoning Appeals may require an increased width where necessary to accommodate drainage, utility, embankments or other constraining factors.
2. The access-way or flagpole must be free of structures and accessory buildings.
3. The length of the access strip or flagpole shall not exceed 900 feet.
4. Sharing driveways with the adjoining lot owner is encouraged. Where driveways will be shared, a maintenance agreement shall be filed with the application for Conditional Zoning Certificate and if the application is approved, said agreement shall also be filed with the deed in the Office of the County Recorder.
5. The front yard line for the purposes of determining setbacks shall be the line closest to the front lot.
6. No more than two flag lots shall be permitted from an original tract and the original tract must maintain frontage and acreage to meet the requirements of the district in which it is located.
7. The flag portion of the lot shall contain the minimum acreage required of the district for a building lot.
8. There shall be sufficient turn around for utility, sanitation, and emergency vehicles provided at the end of the driveway.
9. The Board of Zoning Appeals may require that earthen berms and/or planted screening be placed in the required front yard and they may require the front yard setback to be increased for an increased buffer where there is a greater potential for incompatibility of uses or privacy concerns.
10. The flagpole shall not cross a live stream, ravine, irrigation ditch or similar topographic feature without provision of an adequate structure, culvert or fill according to standards established by the Board of Zoning Appeals.
11. A flag lot cannot be placed behind an established residence unless the owner of that residence is the applicant, or the owner of the established residence has no

- objections as evidenced by a notarized affidavit filed with the application.
12. All driveways, unless otherwise specified in these regulations shall be constructed and maintained to a level that guarantees safety vehicles can safely utilize said drive to access lot(s). Driveways shall at a minimum have a surface of gravel, crushed limestone, asphalt or similar surface.
  13. The natural grade of the flagpole shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 8%.
  14. The flagpole may alter course or direction provided that the change in direction will not result in confusing the address on the public road with the location of the building site for mail delivery or access by utility and safety/emergency vehicles; and provided that a driveway can be constructed entirely within the flagpole portion of the lot with a drive that has a minimum 50 ft. turning radius.
  15. There shall be a 50 ft. side set back and earthen berms or planted screening shall be used to screen views from adjacent properties.

b. *Growth Center /Infill Standards*

1. The following standards above also apply to flag lots in the designated growth center<sup>2</sup> of the Township: *Above numbers in 2a.:* 2, 4, 5, 7, 9, 10, 12.
2. The strip of land providing access to the buildable portion of the lot must be at least 25 feet in width, the full length of the parcel. The BZA may require an increased width where necessary to accommodate drainage, utility, embankments or other constraining factors.
3. The length of the strip of land providing access to the buildable portion of the site shall not exceed 150 feet for one flag lot or 300 feet for two flag lots.
4. No more than two flag lots shall be permitted from an original tract.



<sup>2</sup> As shown in the Township Land Use or Comprehensive Plan.



## **S. Granny Flats (Accessory Dwelling Unit)**

The purpose of these regulations is to provide flexible household living arrangements, expand affordable housing opportunities, and provide a variety of housing types to meet the needs of residents while maintaining the aesthetics and residential use, compatible with homes in the neighborhood.

The establishment of an accessory dwelling unit in existing single-family dwellings shall be allowed as specified in the Residential District sections of this Resolution, subject to specific development, design and owner-occupancy standards:

### *1. Establishment*

An accessory dwelling unit may be established by any one of the following methods:

- a. Alteration of interior space of an existing dwelling;
- b. Conversion of an attic, basement, garage or other previously uninhabited portion of a dwelling; or
- c. Addition of a separate unit onto an existing dwelling.

### *2. Standards and Criteria*

No accessory dwelling unit may be established unless it complies with the following standards:

- a. An accessory dwelling unit may only be constructed on a lot whose area is equal to or greater than the minimum lot area required in the zoning district.
- b. The accessory dwelling unit shall be a complete, separate housekeeping unit (including kitchen and bathroom facilities) that functions as a separate unit from the original unit.
- c. Only one accessory dwelling unit may be created within or added to an existing single-family residence.
- d. The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet or forty (40%) of the floor area of the principal dwelling unit, whichever is less.
- e. The development standards, front yard, rear yard and side yard setbacks, and height limits for the attached accessory dwelling unit shall be the same as those required for the principal single-family dwelling unit.
- f. The principal single-family dwelling unit and the accessory dwelling unit shall be under single ownership at all times. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the property owner at all times. A notarized affidavit certifying that the owner is and will remain an occupant of either the principal or the accessory dwelling unit shall be submitted as part of the application for a Conditional Zoning Certificate and said statement shall become a deed restriction for this use. Proof of filing said deed restriction shall be provided to the Zoning Inspector after the BZA has approved the conditional use.

- g. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. An accessory dwelling unit may either share a common entrance with the principal dwelling unit or use a separate entrance. However, a separate entrance shall only be located on the rear or side of the principal dwelling.
- h. The accessory dwelling unit shall be constructed in accordance with the provisions of the Portage County Building Code.
- i. The accessory dwelling unit shall comply with applicable health standards and shall be approved by the Portage County Health Department.
- j. One (1) additional off-street parking space shall be required for the accessory dwelling unit. The additional space requirement may be met by using the garage, carport or driveway of the principal dwelling unit as long as the off street parking requirements can be maintained for the principal dwelling in compliance with Chapter 8.

## **T. Home Based Business-Tier 2**

### *1. Intent/Purpose*

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new, innovative businesses, reduce vehicle trip generation rates, and serve as business incubators, thereby improving the local economy while also recognizing the need to protect the surrounding areas from adverse impacts generated by these business activities.

### *2. Administration*

- a. Tier 2, conditionally permitted Home Based Businesses shall not be permitted until the Board of Zoning Appeals has approved said Conditional Zoning Certificate.
- b. The Zoning Inspector may make an annual inspection to determine compliance with the terms of the certificate and this zoning resolution, as well as to determine if the Home Based Business is still in operation.
- c. The Home Based Business Owner shall file a renewal certification with the Board of Zoning Appeals by March 31 in calendar years ending in 3, 6, and 9. The purpose of this renewal is to insure that: 1) The business is still operating; 2) The business still meets the intent of this section, the requirements for a Home Based Business and has not become a use requiring relocation to the Commercial District. The Board shall not attach new conditions unless the basis of granting the certificate originally has changed, such as increase in number of clients coming to home or shipments received, etc.

### 3. *Permitted Home Based Businesses*

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of substantial similarity by the Board of Zoning Appeals will need to be made if the use *or type of use* is not listed:

- a. Offices for such professionals as, but not limited to: architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, sales persons and manufacturers' representatives, and travel agents.
- b. Personal services,<sup>3</sup> including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services.
- c. Instructional services, including music, dance, art and craft classes, and tutoring.
- d. Babysitting services, family day care.
- e. Studios for artists, sculptors, musicians, photographers and authors.
- f. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and woodworking.
- g. Repair services including watch and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines. (Excluding ATV's, Motorcycles, Boats, Jet Skis and other such motorized vehicles.)
- h. Assembly, packaging of goods for sale or distribution.
- i. Sales of goods made on the premises.

### 4. *Prohibited Home Based Businesses*

The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:

- a. Adult Uses
- b. Restaurants,<sup>4</sup> clubs, drinking establishments
- c. Motor vehicle repair shops
- d. Undertaking and funeral parlors
- e. Retail sales or wholesaling of goods not made on the premises
- f. Kennels, stables, veterinarian clinics, animal hospitals

### 5. *Conditions and Operating Standards*

- a. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space shall be permitted.
- b. The basis of calculation for total area that may be used for the home based business in

---

<sup>3</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

<sup>4</sup> Except those authorized in Agriculture Districts.

all buildings shall be based on 25% of the gross floor area of the residential dwelling unit.

- c. There shall be no outdoor storage of materials connected with the home based business.
- d. Only one home based business per dwelling unit and its accessory buildings is permitted.
- e. Customer/Client visits to the home based business are limited to the hours of 8:00 am. to 9:00 p.m.
- f. The total customer visits shall be limited to no more than 2 vehicles at any one time.
- g. The home based business shall have no more than one non-resident employee on the premises at any one time. The number of non-resident employees working at locations other than the home based business is not limited.
- h. The home based business shall be limited to the parking/storage of one commercial vehicle on the premises. The commercial vehicle shall not exceed 2 axles in size. Said vehicle shall be stored in a garage. If the commercial vehicle cannot be stored in a garage, it may be parked in a side or rear yard if it can be screened from view from the road and neighboring properties.
- i. The only exterior indication of the home based business shall be one (1) sign in conformance with Chapter 9.
- j. Performance standards of section 711 shall be adhered to.
- k. Sufficient off street parking spaces shall be provided for clients and deliveries anticipated.

#### **U. Horse Riding Schools, Commercial Stables**

- 1. Minimum lot size shall be ten acres.
- 2. Any structure used for the boarding of horses shall be set back from any property line at least 200 feet.
- 3. All stables shall be maintained so as to minimize odors perceptible at the property line.
- 4. All outdoor training or show facilities or areas shall be set back at least 100 feet from all property lines. All outdoor training, show, riding, boarding or pasture area shall be enclosed by a minimum four foot high fence.
- 5. All parking areas and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking or movement of vehicles across neighboring properties.

#### **V. Mini Self Storage Facilities**

- 1. Outdoor storage and parking spaces for vehicles shall be separate from the buildings. Vehicles shall not be stored in any required parking space. Vehicles stored outdoors shall not exceed the legal height as defined by the Ohio Revised Code.
- 2. Lighting shall be provided at night for security.
- 3. The number of storage spaces in each building and dimensions of all outdoor storage spaces must be shown on the site plan submitted with the application for Conditional Zoning Certificate.

4. *Development Standards:*

a. *Minimum Site Size:* 1 acre.

b. *Off Street Parking:*

1. One space for each 10 storage cubicles, equally distributed throughout the storage area. This parking requirement can be met with the parking lanes as set forth in sub section *d.* below.
2. Two spaces shall be provided for the manager's quarters if there is a live-in manager.
3. One space shall be provided for every twenty-five (25) storage cubicles to be located at the project office.
4. Outdoor storage/parking spaces for recreational vehicles shall be separate from the buildings and are not permitted to be stored in the parking and loading areas or office space areas. Recreational vehicles stored shall not exceed the legal height as defined by the Ohio Revised Code. Storage areas must be maintained in a dust free condition.

c. *Screening:*

A screen shall be required along all property borders to screen storage facilities from view of surrounding properties. Such screening shall be at least six (6) feet in height of trees and shrubs or fencing of material suitable to the Board of Zoning Appeals and consistent with the Landscaping requirements of Section 710, excluding chain link fence. Screening shall not impair vehicle visibility at ingress or egress points.

d. *On Site Circulation and Driveway Widths:*

1. All one-way driveways shall provide for one ten (10) foot parking lane and one sixteen (16) foot travel lane. Traffic direction and parking shall be designated by signage and painting.
2. All two-way driveways shall provide for one ten (10) foot parking lane and two thirteen (13) foot travel lanes.
3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

e. *Use of Storage Areas:*

1. There shall be no storage of explosives, radioactive materials or any other materials that are prohibited or regulated by county, state or federal statutes.
2. The use of mini-warehouses shall be limited to dead storage only.

## **W. Open Space Subdivision**

It is the intent of this subsection to provide for the conditions upon which an open space subdivision may be approved by the Board of Zoning Appeals. It is the intent of these regulations to encourage conservation of open space, natural resources and the protection of rural character to a greater extent than traditional platted subdivisions. The Board of Zoning Appeals may allow for an increase in density from the zoning district in which it is located when the applicant proves they can meet the conditions set forth in this subsection.

In the R-1 District, the density may be increased to 1 dwelling unit/1.5 acres.

### *1. Open Space Standards:*

- a. The minimum amount of open space must be 20% <sup>5</sup>of the project area, exclusive of roads, road right-of-ways, parking areas, required setbacks areas and required project boundary setbacks, private yards, wetlands and flood hazard areas, storm water retention/detention ponds, and small fragmented or isolated open space areas that have a dimension of less than 50 feet in any direction. Credit for up to 25% of the land which the developer sets aside as open space may be given by the BZA for storm water management facilities, drainage ditches, wetlands flood hazard areas, ponds, steep slopes and streams, provided the developer provides reasonable access to them by the residents of the subdivision. Credit may only be given for storm water detention/retention ponds if such areas are natural/earthen ponds or can be used for seasonal recreational uses. If unique features of the site warrant a larger percentage of the acreage required for the set aside to be included, the BZA shall make such determination as part of the Conditional Zoning Certificate review process.
- b. Open space shall be designed and located to conserve significant natural features and historical and cultural elements on the site.
- c. Open space shall be interconnected with other open space areas on abutting parcels wherever feasible and shall be connected internally to the maximum extent possible.
- d. Open space intended for recreational activities shall be of a usable size and shape for the intended purpose.
- e. Active recreation areas for more intensive recreational uses shall comprise no more than 5% of the required open space. The Board of Zoning Appeals may allow for a greater percentage of the open space to be in active recreation. The BZA will evaluate the proposed active recreation area type and location, potential impact on the neighborhood and community, the need for such recreational uses in the neighborhood and community, and whether the active recreation use will detract from the rural character of an area or negatively impact natural resources of the site. Active recreation uses shall follow the perimeter building regulations of this section.

---

<sup>5</sup> Open Space areas shall be evaluated by independent agency to determine compliance with these standards.

- f. Open space must be clearly delineated on the site plans submitted as part of the Conditional Zoning Certificate review.
- g. Open space may not be further subdivided nor developed once the open space subdivision plan is approved by the BZA. This prohibition shall be formalized by deed and plat restriction, conservation easement, or other agreement in a form acceptable to the Township's legal counsel, and consistent with the Portage County Subdivision Regulations.
- h. Open space may be owned by a public entity, homeowners association, a land trust or other conservation organization recognized by the Township, or a similar entity, or may remain in private ownership as long as lot owners have the right of use of the open space guaranteed.

## *2. Development and Site Planning Standards*

Buildings, structures, pavement and streets shall be located in compliance with the following development and site planning standards:

### *a. Minimum Project Size and Frontage*

- 1. The lot proposed for the open space subdivision shall have a minimum of 300 feet of frontage on a public road, or a private road built to County Subdivision Regulation Standards that shall be undeveloped for a minimum distance of 100 feet. (see perimeter regulations) The Board of Zoning Appeals may consider a lesser amount of frontage if the objectives of these regulations could still be achieved.
- 2. The minimum lot size for the entire open space subdivision shall be 20 acres. The BZA may consider less acreage, if the objectives of these regulations will be achieved and the applicant can prove they can meet all other relevant regulations.

### *b. Lot Requirements*

- 1. Lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
- 2. Development should be designed so that as much as feasible, rear lot boundary lines do not abut one another. Views of open space from each building site should be preserved as much as feasible.

### *c. Perimeter Building Regulations*

- 1. The minimum setback from an existing public street shall be 100 feet from the road right-of-way. This setback may be increased or decreased by the BZA, depending upon the following, with the intent on preserving the rural character of the area:

- a. Natural features present along the street that would provide an adequate buffer and screening between the units in the open space development and units across the street. The minimum setback from the road right-of-way may be increased when there are no natural features on the site that would provide sufficient screening from the road right of way.
  - b. Whether it is more important to conserve open space and natural resources located on the interior of the site than to maintain large building setbacks along the street.
2. The minimum setback from the project boundary shall be determined by the rear setback distance for the district the project is located in. The setback may be reduced if:
  - a. Adequate natural buffering/screening exists around the perimeter;
  - b. Allowing buildings closer to the boundary provides for more functional open space or conservation of environmentally sensitive areas in the interior of the project;
  - c. The setback may be increased when adjacent to actively farmed land.

*d. Interior Building Spacing Requirements*

The BZA shall review the proposed open space subdivision plan and the site proposed for development, and shall make a determination as to whether any greater or lesser interior spacing requirements would be necessary to achieve the intent of these open space subdivision regulations and protect the public health and safety.

1. The minimum setback from a proposed local public right of way: 25 feet.
  2. The minimum setback from the edge of pavement of a private street: 40 feet.
  3. The minimum separation between principal buildings: 10 feet side setback.
  4. The minimum separation between principal buildings and accessory buildings: 10 feet.
3. The design standards and guidelines of Section 720 shall be followed and addressed in the site plan required with the application.

**X. Parks and Recreation Facilities**

1. Outdoor intensive uses such as swimming pools and tennis courts shall be not less than fifty feet (50') from any residential property line external to the development served and shall be screened from view from such residential property by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which it is located.
2. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
3. Recreational uses and facilities shall be designed in a manner that will promote and



protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the Board of Zoning Appeals may deem appropriate or necessary.

4. Security fencing, where required or desirable shall be of a type that is compatible with the overall architecture, scale and character of the recreation facility and the neighborhood which it serves.
5. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 711.
6. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially evening activities.
7. It is desirable to connect parks and recreation areas to residential neighborhoods and other areas of high usage in design of recreational facilities.

#### **Y. Public Facilities and Schools**

1. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood, depending upon the type of facility and anticipated traffic volume.
2. Outdoor play/recreation areas may be required by the Board of Zoning Appeals to be fenced.
3. The site and structure shall meet applicable state code requirements, including licensing requirements.
4. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

#### **Z. Restaurants (Farm Based Business)**

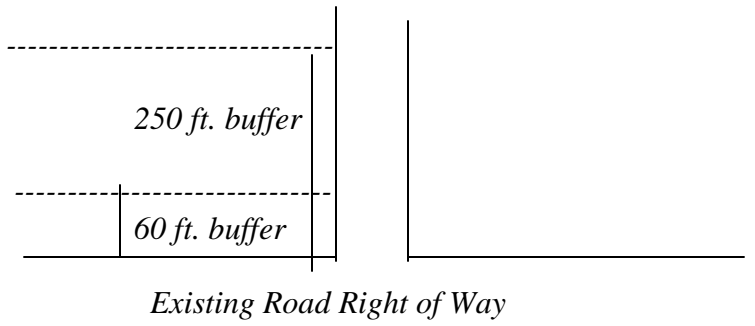
Restaurants promoting and utilizing locally produced agricultural products may be permitted under the following conditions:

1. The design of the restaurant is an extension of the farmhouse or is compatible in design with the farm house and buildings.
2. Seating is limited to 20 patrons at a time.
3. All necessary state and local licenses and permits are obtained and submitted with the application.
4. The restaurant serves to enhance the economic viability of the farm.
5. Parking is screened from view of the road, and adjoining residential uses.

#### **AA. Traditional Platted Subdivision**

Residential Subdivisions requiring platting that are not a Conservation Development, Open Space Subdivision or Minor Lane Development shall be known as Traditional Platted Subdivisions and shall comply with these conditions:

1. Provide evidence why the development could not be done under the Residential Conservation Development Standards.
2. The subdivision shall be designed consistent with the objectives of the district, to accommodate residential development in a manner that preserves the rural character of Randolph Township and minimizes the impact upon the natural environment and landscape.
3. Open Space Required: 15%<sup>6</sup> of the project area, exclusive of roads, road right of ways, parking areas, required setbacks areas, private yards, wetlands and flood hazard areas, storm water retention/detention ponds, and small fragmented or isolated open space areas that have a dimension of less than 50 feet in any direction.
4. Subdivision setback from public road right-of-way: 250 feet
  - a. An open space buffer shall be required of all lots having frontage on the existing public road. The buffer zone shall be a minimum of 60 feet back from the road right-of-way to a maximum of 250 feet from the road right-of-way for each corner lot.



- b. All lots shall be judged on their own merits to determine the setback from the public road right-of-way. If the existing natural features conceal the development or manmade screening features such as trees, hills, or other landscaping techniques are utilized, the developer may be allowed to take advantage of the minimum buffer zone. Complete year around visual screening shall be required in the buffer to utilize the minimum buffer zone. This may be accomplished by plantings of 20 feet in width, consisting of evergreen trees, shrubs and deciduous trees native to Ohio within the buffer area.
  - c. Parcels with unobstructed views and no natural or proposed manmade features to conceal the development will be required to have a deeper buffer zone from the road right-of-way in order to minimize the perceived density and effect on the rural character by the subdivision. The depth of the buffer zone shall be established early in the review process.
  - d. A perimeter buffer zone of at least 250' shall be established where no natural or manmade screening will conceal the development from view at any point along a road

<sup>6</sup> Open Space shall be evaluated by outside agency to determine compliance with this section, in particular meeting the percentage of open space required.

right-of-way.

- e. Individual lot owners shall not infringe into any buffer zone, except for the installation of pre-approved secondary septic systems.

5. *Open Space Design*

- a. Open space shall be designed and located to conserve significant natural features and historical and cultural elements on the site.
  - b. Open space shall be interconnected with other open space areas on abutting parcels wherever feasible and shall be connected internally to the maximum extent possible.
  - c. Open space intended for recreational activities shall be of a usable size and shape for the intended purpose.
  - d. Active recreation areas for more intensive recreational uses shall comprise no more than 5% of the required open space. The Board of Zoning Appeals may allow for a greater percentage of the open space to be in active recreation. The BZA will evaluate the proposed active recreation area type and location, potential impact on the neighborhood and community, the need for such recreational uses in the neighborhood and community, and whether the active recreation use will detract from the rural character of an area or negatively impact natural resources of the site.
  - e. Open space must be clearly delineated on the site plans submitted as part of the Conditional Zoning Certificate review.
  - f. Open space may not be further subdivided nor developed once the traditional subdivision plan is approved by the BZA. This prohibition shall be formalized by deed and plat restriction, conservation easement, or other agreement in a form acceptable to the Township's legal counsel, and consistent with the Portage County Subdivision Regulations.
  - g. Open space may be owned by a public entity, homeowners association, a land trust or other conservation organization recognized by the Township, or a similar entity, as long as lot owners have the right of use of the open space guaranteed.
6. Walkways shall be provided when the development is adjacent to the Growth Center of the Township or within 500 feet. Walkways shall be sidewalks or other surfaces, 4 feet in width approved by the Board of Zoning Appeals and shall where feasible extend to existing walkways/sidewalks.
7. All utilities shall be placed underground.

## **BB. Two Family Dwellings**

1. The floor area per dwelling unit shall not be less than eight hundred (800) square feet.
2. In areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the dwelling units.
3. Off street parking requirements must be met as per Chapter 8, without the addition of any parking spaces within a required yard.
4. The two family dwelling unit shall be designed so that the appearance of the building remains that of a single family residence. The two units may either share a common entrance or use a separate entrance for each. If a separate entrance is utilized it shall either be located on the rear or side of the building, or in the front if only one entrance is visible from the road right-of-way.

## **CC. Wireless Telecommunication Service Facilities**

According to Federal Telecommunications Act, 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Township must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Township may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.

### *1. Purpose*

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, and the interests of the Township in regulating wireless telecommunication facilities to minimize adverse health, safety, and public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

### *2. Priority of Locations*

A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:

- a. First Priority: New wireless antennas shall colocate on existing towers or on existing structures which have been constructed for other purposes such as but not limited to: water towers, church steeples and chimneys.

- b. Second Priority: Priority for the use of public land for wireless telecommunication antennas and towers will be given to the following entities in order:
  - 1. Randolph Township.
  - 2. Public Safety Agencies/Departments including law enforcement, fire, and ambulance services.
  - 3. Other governmental agencies for uses that are not related to public safety.
  - 4. Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.

### 3. *General Requirements*

- a. A proposed wireless telecommunication facility application shall comply with plan review requirements of this resolution including landscaping plans to screen the facility from adjoining uses.
- b. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
- c. All applications for wireless telecommunication facilities shall as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
- d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, of no less than \$100 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any colocator shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
- e. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
- f. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.

- g. As a condition of issuing a Conditional Zoning Certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.

4. *Standards Applicable to All Wireless Telecommunication Tower Facilities*

- a. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
- b. All towers shall be monopole structures.
- c. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within 20 feet of the tower base.
- d. No tower shall exceed 200 feet in height above the finished grade and it shall be the minimum height necessary to accommodate the antenna.
- e. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
- f. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- g. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- h. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
  - 1. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
  - 2. Buffer plantings shall be located around the perimeter of security fencing

consisting of an evergreen screen, comprised of either a hedge, planted 3 feet on center maximum, or a row of evergreen trees planted five feet on center maximum.

- i. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or Township in general.
- j. Access drives to any facility shall be maintained in a dust free condition.
- k. Loud speakers shall not be permitted to be located on the facility.
- l. "No Trespassing" signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
- m. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.
- n. Equipment shelters or any other buildings or structures shall be located at least 15 feet from the base of the tower.
- o. The maximum size of the equipment shelter shall be 300 square feet for a single user shelter, or if there is more than one, 750 total square feet.
- p. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
  - 1. The maximum height shall be 20 feet or 20% of the building height above the existing structure, whichever is greater.
  - 2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
    - a. The minimum setback requirements for the subject zoning district.
    - b. A buffer yard may be planted in accordance with 4.h. of this section.
    - c. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
    - d. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one user, 750 square feet.
- q. Removal of Facilities:

All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within 6 months following the date that the tower is no longer operational. If more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure for 6 months.

*5. Decision by the Board of Zoning Appeals*

Any decision to deny a request to place, construct, or modify a wireless telecommunication antenna or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Board of Zoning Appeals.